IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.280 OF 2006
IN
APPEAL FROM ORDER ST.NO.6504 OF 2006

Mohammed Ishaque Abbasali Birajdar. ..Applicant.

V/s.

Ashfaque Ul Haque & Ors. ..Respondents.

Mr.J.B.Mishra for applicant.

Mr.S.A.Khan for respondent No.1,2 and 3.

CORAM: A.M.KHANWILKAR,J

DATE : APRIL 12, 2006.

P.C. :

1. Heard counsel for the parties. Perused the application. The case made out in the application, in my opinion, is sufficient cause. Accordingly, application deserves to be allowed in terms of prayer clause (a) in the interest of justice. This is so because the case made out in the application is not controverted. Indeed, the counsel for the respondent would contend that the explanation offered is not proper. However, delay is only of 40 days and for the explanation given in the application, which has remained uncontroverted, application is allowed in terms of prayer clause (a).